

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Fernando A. Bohorquez
Keith R. Murphy
David W. Rice

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and the
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate of
Bernard L. Madoff,

Adv. Pro. No. 10-04214 (SMB)

Plaintiff,

v.

DANIEL BONVENTRE and,
BARBARA BONVENTRE,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated Chapter 7 estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Daniel Bonventre (“Mr. Bonventre”) and Barbara Bonventre (“Ms. Bonventre”) (collectively, “Defendants”), by and through their counsel, Andrew J. Frisch (collectively, the “Parties), hereby stipulate and agree to the following:

1. On November 11, 2010, the Trustee filed and served the Complaint in which the Defendants were named as defendants.
2. On July 19, 2017, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
3. On September 28, 2017, the Trustee filed and served a Notice of Settlement concerning the Settlement Agreement [Dkt. No. 16686]. No objections were filed to the Notice of Settlement. Accordingly, on October 13, 2017, the Settlement Agreement became effective.
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding (the “Stipulation”).
5. The provisions of this Stipulation shall be binding upon and shall inure to the

benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: October 30, 2017

BAKER & HOSTETLER LLP

By: /s/ Fernando A. Bohorquez, Jr.
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Fernando A. Bohorquez, Jr.
Email: fbohorquez@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com
David W. Rice
Email: drice@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for
the Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

ANDREW J. FRISCH

By: /s/ Andrew J. Frisch
Law Offices of Andrew J. Frisch
40 Fulton Street, 23rd Floor
New York, New York 10038
Telephone: (212) 285-8000
Facsimile: (646) 304-0352
Email: afrisch@andrewfrisch.com

*Attorney for Defendants Daniel Bonventre and
Barbara Bonventre*

SO ORDERED

Dated: October 30, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE